

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 5:12-CV-636-BR

WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY,

Plaintiff,

v.

CLANCY & THEYS CONSTRUCTION  
COMPANY,

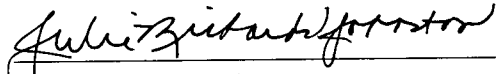
Defendant.

**ORDER ON BILL OF COSTS**

This matter is before the undersigned on the Application for Costs [DE-220] filed by Defendant Clancy & Theys Construction Company. Plaintiff Westchester Surplus Lines Insurance Company timely filed a Motion to Disallow Costs, or in the Alternative, to Reduce Costs Awarded to Clancy [DE-225]. That same day, plaintiff filed a Motion to Alter Judgement [DE-223] and a Notice of Appeal [DE-227].

The Honorable W. Earl Britt, Senior United States District Judge, has issued an order denying in part and granting in part plaintiff's Motion to Alter Judgment. *See* October 22, 2015, Order [DE-237]. Plaintiff's appeal, however, remains pending. Accordingly, the undersigned DENIES defendant's Application for Costs [DE-220] and plaintiff's Motion to Disallow Costs [DE-225] without prejudice to re-file following the resolution of plaintiff's appeal.

SO ORDERED. This the 26<sup>th</sup> day of October, 2015.

  
Julie Richards Johnston  
Clerk of Court